HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.14379 of 1998

Dated 21st day of February, 2007

Between:

S.G.T. Suryanarayana .. Petitioner

And

The District Collector,
East Godavari District, Kakinada
and two others .. Respondents

O R D E R:

This writ petition is filed seeking a mandamus to declare the order, dated 24.4.1998 of the 2nd respondent as arbitrary and illegal and consequently direct the respondents to assign Ac.2.00 cents of land to the petitioner after removing the encroachments.

The brief facts of the case are that the petitioner is working as Sergeant in the Indian Army. The Government of A.P. issued G.O.Ms.No.1519, Revenue dated 23.9.1996 indicating that the persons, who have taken up service in the Army, are eligible for assignment of either Ac.2.50 cents of wet land or Ac.5.00 cents of dry land. Pursuant to the G.O., the petitioner submitted his application for assignment of land in R.S.No.411/2. Now the petitioner's grievance is that the 2nd respondent, instead of assigning the land to him, granted assignment to one Kolli Dayamani, which according to the petitioner, is illegal and arbitrary.

The learned counsel for the petitioner has placed reliance on G.O.Ms.No.1519, dated 23.9.1996, which clearly states that an extent of either Ac.2.50 cents of wet land or Ac.05.00 cents of dry land shall be assigned to those who served in the Army. It further reveals that if no such land is available in the village, the Collectors shall ensure that suitable and sufficient land is reserved in the adjacent village and only after ensuring this, steps shall be taken to assign unobjectionable lands to other landless poor persons under the normal assignment rules.

From the above, it is clear that the Government, taking into consideration the services rendered by the persons in the Army, has thought it fit to provide an extent of either Ac.2.50 cents of wet or Ac.05.00 cents of dry land. Admittedly, the petitioner is a person belonging to the Indian Army and after retirement, he sought for assignment and only an extent of Ac.03.00 cents of dry land was assigned to him. When he identified certain land and requested the authorities to assign remaining Ac.2.00 cents of land, his application was rejected on the ground that the

said land is required for allotment or assignment to one Kolli Dayamani, whose son working in the Army died in harness. Maybe it is true that the said land is earmarked to Dayamani, but at the same time as the petitioner is also entitled to assignment of Ac.05.00 cents of land and only an extent of Ac.03.00 cents of land was assigned, the authority should have considered his request.

Hence, this Court deems it appropriate to direct the respondents to consider the request of the petitioner for allotment of Ac.02.00 cents of land as identified by him and if it is not possible for allotment/assignment of that land, the authorities may grant another extent of Ac.02.00 cents of land by way of assignment.

With the above direction, this writ petition is disposed of. No costs.

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21.02.2007

bcj